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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/019,662	03/14/2002	Juan Jose Calderon De Los Santos	1527-150	6232

6449 7590 04/04/2003

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EXAMINER

CHIESA, RICHARD L

ART UNIT	PAPER NUMBER
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1724

DATE MAILED: 04/04/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/019,662

Applicant(s)

CALDERON DE LOS SANTOS,
JUAN JOSE

Examiner

Richard L. Chiesa

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 January 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 March 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4. 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. The preliminary amendment filed on January 2, 2002 has been entered.

Priority

2. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Mexico on July 2, 1999. It is noted, however, that applicant has not filed a copy of the Mexican application. *Drawings*

3. The drawings are objected to due to the reasons noted on the attached Form PTO 948. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

4. The abstract of the disclosure is objected to because it contains the legal expressions "comprises" (line 2) and "means" (lines 2, 3). Correction is required. See MPEP § 608.01(b).
5. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

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The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

6. The disclosure is objected to because of the following informalities: (A) The word --it-- should apparently be inserted between "that" and "is" in line 12 on page 6. (B) The word "of" at the end of the second line on page 12 should apparently be deleted. Appropriate correction is required.

Claim Rejections - 35 USC § 112

7. Claims 1-53 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. More specifically, the reasons for this rejection are: (A) The claims are vague due to the presence of the ambiguous expressions "of the type" (claim 1, line 2; claim 7, line 2; claim 11, line 2; claim 15, lines 1, 2; claim 52, line 5) and "type" (claim 35, line 3). It would appear that these expressions should simply be deleted. Note MPEP section 2173.05(b)E. (B) Claim 25 is indeterminate because the phrase "in addition to" (line 4) should be deleted and the word "more" (line 6) should be changed to --many--. (C) Claim 29 is vague due to the presence of the ambiguous term "cooper" (line 3). Perhaps, this word should be changed to --copper--. (D) Claims 39 and 42 are ambiguous because the expressions "there" (claim 39, line 3) and "of steel mesh" (claim 42, line 3) should be deleted. (E) There is apparently no antecedent basis for the phrase "the gas expulsion module" (claim 44, lines 5, 6). Perhaps, this expression should be changed to --a gas expulsion module--. (F) The ambiguous term "preferably" (claim 48, line 4) should apparently be deleted. Note MPEP section 2173.05(c)I. (G) The phrases "the gas

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expulsion module” (claim 48, line 2; claim 51, lines 2, 3) and “the gas supplying module” (claim 50, line 2) apparently lack proper antecedent basis.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gilbert et al. Gilbert et al show (note Figure 1) an apparatus for removing pollutants from a gas stream by application of both a magnetic field 11 and an electrostatic field 13 substantially as claimed. It would appear that Gilbert et al may not explicitly disclose electronic bombardment. However, Gilbert et al do describe voltages (note col. 4, lines 35-43) for enhancing electrostatic separation which are virtually identical to those disclosed by applicant. Consequently, it would have been readily obvious to one having ordinary skill in the art to employ “electronic bombardment” in the Gilbert et al gas separation apparatus for the purpose of facilitating electrostatic treatment as suggested by Gilbert et al.

Allowable Subject Matter

10. Claims 1-10, and 15-53 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

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11. As allowable subject matter has been indicated, applicant's reply must either comply with all formal requirements or specifically traverse each requirement not complied with. See 37 CFR 1.111(b) and MPEP § 707.07(a).

Conclusion


12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. These references have been cited as art of interest to show other electrostatic and magnetic separation systems.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard L. Chiesa whose telephone number is (703) 308-3791.

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center 1700 receptionist whose telephone number is (703) 308-0661.

Facsimile correspondence to Art Unit 1724 must be transmitted through (703) 305-7718. This number is for Art Unit 1724 correspondence only.

Richard L. Chiesa
April 3, 2003



**RICHARD L. CHIESA
PRIMARY EXAMINER
ART UNIT 1724**

April 3, 2003